

ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE 11th DECEMBER 2015

Review of Statement of Licensing Policy (Licensing Act 2003)

To consider and comment on the following issues:

- That the Committee considers and comments on the revised Licensing Policy document and the summary of the consultation responses attached.
- The Committee is requested to recommend to Executive Board that:
 - The amended Statement of Licensing Policy be approved.
 - The existing Cumulative Impact Policy be retained for Station Road Llanelli as detailed in Section 10 of the attached policy.
 - Further evidence be gathered in relation to the possible adoption of a Cumulative Impact Policy for Lammas Street, Carmarthen as a result of responses to the consultation exercise.

Reasons:

- The attached revised Licensing Policy document reflects the results of the consultation and review process.
- Sufficient evidence has been provided to justify retaining a Cumulative Impact Policy in respect of Station Road Llanelli.
- The consultation responses justify formulating specific proposals for the adoption of a Cumulative Impact Policy in respect of Lammas Street, Carmarthen and undertaking a further consultation exercise to look specifically at whether such a cumulative impact policy should be adopted.
- To formulate views for submission to the Executive Board / Council for consideration.

To be referred to Executive Board / Council for decision: YES

**Executive Board – 4th January 2016
County Council – 10th February 2016**

Executive Board Member Portfolio Holder:
Cllr. Jim Jones (Environmental & Public Protection)

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EXECUTIVE SUMMARY

ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE 11th DECEMBER 2015

Review of Statement of Licensing Policy (Licensing Act 2003)

The current Licensing Policy was adopted by the Authority in January 2011 and the Cumulative Impact Policy (CIP) in respect of Station Road, Llanelli in 2012. Legislation currently requires the Licensing Policy to be reviewed at least every five years to ensure that it reflects feedback from the local community that the statutory objectives are being met.

Since the current Licensing Policy was last reviewed, there have been a large number of amendments to the Licensing Act 2003. The Authority's Licensing Section, in conjunction with the Council's Legal Services Division has reviewed the policy document in light of these amendments, revised government guidance and recent case law. These statutory changes have been incorporated into the attached Policy document. The Authority also hosted a collaboration meeting to discuss the review to local licensing policies with representatives of the local health board, Pembrokeshire and Ceredigion licensing authorities.

The key changes to the legislation include:-

- Making the local health board and the licensing section responsible authorities.
- Removing the test of vicinity for persons wishing to make representations.
- Deregulation of some types of entertainment under certain circumstances.
- Revisions to mandatory licence conditions.

As part of the review, the Authority is required to undertake a consultation exercise aimed at responsible authorities, local residents, businesses, existing licence holders and their representatives, to ensure that their views can be formally considered by the Authority. The responsible authorities include, The Licensing Authority, Dyfed-Powys Police, Mid and West Wales Fire and Rescue Service, Trading Standards, Environmental Health (Public Health Section), Planning Authority, Health and Safety Authority, Children Services, Local Health Board.

The consultation began on the 7th of July and finished on the 13th of September 2015. Approximately two thousand individuals and organisations, including licence holders and their representatives, town and community councils, members of parliament, assembly members, county councillors, council departments and responsible authorities received consultation documents.

On this occasion the survey was undertaken using the iLocal consultation facility on the Council's web site. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation. A total of 89 responses were received. The following is a brief summary of the key consultation responses:-

Responsible Authority Responses

Dyfed-Powys Police

- Noticeable increase in alcohol related crime and disorder as well as anti social behaviour in Lammas Street, Carmarthen, linked to the late night economy. Cumulative Impact Policy should be adopted for the street.
- Station Road , Llanelli continues to be an area identified with the highest number of alcohol related crime and disorder as well as alcohol related anti social behaviour in Carmarthenshire. The existing cumulative impact policy should be retained for the street.

Hywel Dda University Health Board

- Support for the adoption of a Cumulative Impact Policy where there is evidence that an area is saturated with licensed premises and alcohol related problems.
- The Policy should be amended to include specific reference to the use of new psychoactive substances.

Public Health Services

- Applications for premises licences should be accompanied by a risk assessment detailing how the applicant intends to promote the licensing objectives or a statement indicating why an assessment is not needed.
- The usefulness of multi agency meetings to respond to problem premises.

Other Consultation Responses

- Ann Street, Llanelli and Nott square Carmarthen highlighted as Hot Spots of alcohol related crime and disorder.
- Strong support for the retention of the existing Hot Spot areas listed within the Policy.
- Strong support for the retention of the existing cumulative impact policy for Station Road Llanelli.
- Consideration should be given to adopting a Cumulative Impact Policy for all or part of Carmarthen town centre.
- Support for the policy to encourage events and businesses which do not undermine the licensing objectives.
- Slight overall support for maintaining the current policy not to limit permitted hours in certain parts of the County.

A revised licensing policy document, incorporating amendments to reflect the relevant consultation responses is attached.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: **Robin Staines** Head of Housing & Public Protection

| Policy, Crime & Disorder and Equalities | Legal | Finance | ICT | Risk Management Issues | Staffing Implications | Physical Assets |
|---|------------|-------------|-------------|------------------------|-----------------------|-----------------|
| YES | YES | NONE | NONE | NONE | NONE | NONE |

1. Policy, Crime & Disorder and Equalities

The proposed amendments to the Licensing Policy promote the prevention of crime and disorder. The Policy complies with the Authority's duty under section 17 of the Crime and Disorder Act.

An Equalities impact assessment has been undertaken and no negative impacts have been identified.

2. Legal

Legal Services is satisfied that the proposed amendments comply with the Licensing Act 2003 and the statutory guidance issued by the Secretary of State. It will be necessary to undertake a further period of public consultation in respect of the proposed Cumulative Impact Policy for Lammas Street in order to comply with the Authority's legal duty to consult on that specific proposal.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Robin Staines Head of Housing & Public Protection

- 1. Local Member(s)** – Local Members were consulted through correspondence.
- 2. Community / Town Council** – Town and Community Councils were consulted through correspondence.
- 3. Relevant Partners** – Relevant partners were consulted through correspondence and consultation meetings.
- 4. Staff Side Representatives and other Organisations** – N/A

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW:

| Title of Document | File Ref No. / Locations that the papers are available for public inspection |
|--------------------------|--|
| Consultation Responses | Review of Licensing Policy 2015 Housing & Public Protection Division 3, Spilman Street, Carmarthen |
| Home Office Guidance | Review of Licensing Policy 2015 Housing & Public Protection Division 3, Spilman Street, Carmarthen |